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DETAILED ACTION

Claims 1-10 are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

No support could be found in the specification or the originally filed claims for:

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a) R^1 and R^3 or R^2 and R^4 are fused together with the nitrogen atoms to which they are attached to form a **3- to 6-**membered cycloalkyl group or heterocycloalkyl group; and

b) the heterocycloalkyl group **optionally substituted with methyl.**

Applicant argues that support is found in the instant specification on pages 5-6 and Examples 1-13. In response, persuasive support could not be found in the specification or the originally filed claims for the current amendments to the claims. Applicant is relying on specie to define the broad genus of the claims. However, a single species is seldom, if ever, sufficient to support a generic claim. Further, the formula, $-(CH_2)_a-X-(CH_2)_b$ ring, found on page 5, line 4, fails to give adequate support for the range 3- to 6-membered heterocycloalkyl group. Therefore, the claims lack written description as such.

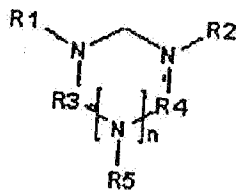
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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, there is a formula



(formerly labeled "3") but it is

unclear why this formula is needed in the claim with the addition of formulas 3A and 3B.

In claim 1, it is not possible for R¹ and R³ or R² and R⁴ fused together with the nitrogen atoms to which they are attached form **a cycloalkyl** group since the presence of the nitrogens, to which the R¹-R⁴ variables

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are attached, dictates that only a heterocycloalkyl ring, not a cycloalkyl ring can be formed.

In claim 1, under the definition of when R (page 3, line 4), a space is needed after "or" in the expression "containing O or S".

In claim 2, it is unclear what is meant by "N,N,N,N'-tetrabuthyldiaminomethane". It would appear that this representation of formula 3A may be misspelled (see page 6, line 10 of the instant specification).

Additionally, a comma is needed after "N,N,N,N'-tetrabuthyldiaminomethane" in claim 2.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura L. Stockton whose telephone number is (571) 272-0710. The examiner can normally be reached on Monday-Friday from 6:15 am to 2:45 pm. If the examiner is out of the Office, the examiner's supervisor, Joseph McKane, can be reached on (571) 272-0699.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

The Official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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August 23, 2008